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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,753	10/17/2003	Kelly J. Reasoner	10012665-4	1979

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

DINH, TAN X

ART UNIT	PAPER NUMBER
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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,753	Applicant(s) REASONER ET AL.	
	Examiner TAN X. DINH	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1) The Appeal brief filed **1/19/2008** is acknowledged. The applicant's arguments have been fully considered and found persuasive. The final Office action issue on 8/17/07 is withdrawn herein. The following is a new ground of the rejections.

2) The **I.D.S** filed **2/207/2008** has been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form **PTO-1449** or **PTO/SB/08** is(are) attached herein.

3) Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The features of new claim 22 can not be found in the original specification since the cartridge assembly moving during loading/unloading processes is not response to the reflecting light, this feature is consider as new matter.

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2627

A person shall be entitled to a patent unless -

5) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6) Claims 6 is rejected under 35 U.S.C. 102(b) as being anticipated by **NAKA (JP, 8-235748)**.

NAKA discloses a data cartridge detection system, as claimed in claim 6, comprising:

a cartridge engaging assembly for receiving a data cartridge therein (Fig.2, cartridge engaging assembly 9);

a signal emitter mounted to cartridge engaging assembly, signal emitter producing a signal that is reflected by the presence of the data cartridge within cartridge engaging assembly (Fig.2, emitter/detector 10); and

a signal detector operatively associated with cartridge engaging assembly, signal detector being responsive to the reflected signal for (1) indicating that the data cartridge is present in cartridge engaging assembly and (2) identifying a type of the data cartridge present in cartridge engaging assembly based on a surface characteristic of the data cartridge (Fig.2, emitter/detector 10. See the abstract, in this case, sensor 10 indicate the present of cartridge 2 on cartridge engaging assembly 9 and identifying a type of cartridge 2, i.e., DRAW type, rewritable type, etc.,).

7) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9) Claims *1-6 and 21-24* are rejected under 35 U.S.C. 103(a) as being unpatentable over **NAKA (JP, 8-235748)**.

NAKA discloses a method for detecting a data cartridge in a cartridge engaging assembly, as claimed in claim 1, comprises the step of emitting a signal from a signal emitter on the cartridge

engaging assembly (Fig.2, emitter/detector 10), detecting at least a portion of emitted signal when emitted signal is reflected from the data cartridge (Fig.2, emitter/detector 10), generating output to indicate whether data cartridge is present in cartridge engaging assembly based on emitted signal that is reflected from the data cartridge (Fig.2, emitter/detector 10) and identifying a type of data cartridge present in cartridge engaging assembly based on emitted signal that is reflected from the data cartridge (Fig.2, emitter/detector 10. See the abstract and paragraph [0015] of the translation. In this case, sensor 10 indicates the present of cartridge 2 on cartridge engaging assembly 9 and identifying a type of cartridge 2, i.e., DRAW type, rewritable type, etc.,), *except that* the light emits to data cartridge *rather than* to the chamber of cartridge engaging assembly. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to modify the sensor of NAKA's data cartridge detector by emitting the signal into chamber as claimed. The rationale is as follows: As seen in NAKA's figure 2, the sensor/detector is mounted to cartridge engaging assembly 9 for detecting the data cartridge 2, if the housing of cartridge engaging assembly 9 is made by glass or transparent material it could be extended longer to cover whole data cartridge 2 without interfere with the detection 10 since the light

could go through glass or transparent material, another possibility is that the housing of cartridge engaging assembly 9 can be extended to cover whole data cartridge 2 with a window on top where the detector 10 is mounted, by that structure, the light emitted from detector/sensor 10 could emit the light into chamber of cartridge engaging assembly 9 without blocking. For that reason, anyone of ordinary skill in the art at the time of the invention was made would have been motivated to extend the cartridge engaging assembly housing for emitting the light into chamber/housing of cartridge engaging assembly as claimed.

As to claims *2 and 3*, it would have been obvious to emit the light at start-up or power-up the cartridge engaging assembly since the light can be controlled to emit at any desirable time on any device.

As to claim *4*, the feature of focusing signal is inherent in every emitter detection device.

As to claim *5*, the feature of color deciphering is old and widely used in the optical recording art (as suggested by applicant in the specification).

As to claim *21 and 22*, the feature of moving cartridge engaging assembly during loading/unloading is inherent in every recording device.

As to claim 23, the computer board for mounting electronic components is inherent in every recording device.

Claim 24 is rejected with the same reasons set forth in claim 5 above.

10) Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **NAKA (JP, 8-235748)** and **KLEINSCHNITZ (5,546,315)**.

NAKA discloses a data cartridge detection system, as claimed in claim 7, comprises a cartridge engaging assembly for receiving a data cartridge therein (Fig.2, cartridge engaging assembly 9), a signal emitter mounted to cartridge engaging assembly, signal emitter producing a signal that is reflected by the presence of the data cartridge within cartridge engaging assembly (Fig.2, emitter/detector 10), a signal detector operatively associated with cartridge engaging assembly, signal detector being responsive to the reflected signal for (1) indicating that the data cartridge is present in cartridge engaging assembly and (2) identifying a type of the data cartridge present in cartridge engaging assembly based on a surface characteristic of the data cartridge (Fig.2, emitter/detector 10. See the abstract, in this case, sensor 10 indicate the present of cartridge 2 on cartridge engaging assembly 9 and identifying a type of cartridge 2, i.e., DRAW type, rewritable type, etc.,), *except that* the sensor detects the symbolic on data

cartridge *rather than* detects the bar-code. KLEINSCHNITZ from the same field teaches a library wherein the data cartridge include a bar-code for identifying the type (figure 3, bar-code 305 for identifying the type of cartridge. See column 5, lines 4-19, column 7, lines 23-46). Since the method of using bar-code for identifying the data cartridge as taught by KLEINSCHNITZ is old and widely used in the art, obviously, anyone of ordinary skill at the time of the invention was made would have been motivated to replace detector/sensor in NAKA's data cartridge by bar-code detection as claimed.

As to claims *8 and 9*, NAKA shows the emitting comprises light source (translation, paragraph [0015]).

11) Applicant's arguments with respect to claims *1-9 and 21-24* have been considered but are moot in view of the new ground(s) of rejection.

12) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection

made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form **PTO-892** is attached herein.

13) Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TAN Xuan DINH** whose telephone number is **571-272-7586**. The examiner can normally be reached on **MONDAY-FRIDAY** from **8:30AM** to **5:30PM**.

The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the **Patent Application Information Retrieval (PAIR)** system. Status information for published applications may be obtained from either **Private PAIR** or **Public PAIR**. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

/TAN Xuan DINH/
Primary Examiner, Art Unit 2627
April 4, 2008